

Federal Communications Commission

DA 03-2755

Before the
Federal Communications Commission
Washington, D.C. 20554

SEP 5 11 42 AM '03

DISP

In the Matter of

Amendment of Section 73.622(b),
Table of Allotments,
Digital Television Broadcast Stations.
(Fayetteville, Arkansas)MM Docket No. 01-55
RM-10034**REPORT AND ORDER**
(Proceeding Terminated)**Adopted: August 27, 2003****Released: September 4, 2003**

By the Chief, Video Division:

1. At the request of Arkansas Educational Television Commission ("AETC"), licensee of noncommercial station KAFT(TV), NTSC *13, Fayetteville, Arkansas, the Commission has before it the Notice of Proposed Rule Making, 16 FCC Rcd 4471 (2001), proposing the substitution of DTV channel *9 for station KAFT's assigned DTV channel *45. AETC and Pharis Broadcasting, Inc. ("Pharis"), predecessor in interest to Fort Smith 46, Inc., licensee of Class A station K09XE, Winslow, Arkansas filed comments.¹ AETC filed a Motion for Extension of Time to File Reply comments and reply comments. U.S. Senator Blanche L. Lincoln, U.S. Senator Mark L. Pryor and U.S. Senator John Boozman filed joint comments. AETC, Fort Smith 46, Inc. ("Fort Smith"), and Victory Communications, Inc. ("Victory") filed a Joint Motion for Approval of Settlement.

2. We find that the public interest would be served by the substitution of DTV channel *9 for DTV channel *45 at Fayetteville, since it will enable AETC to reduce its operating costs. DTV channel *9 can be allotted to Fayetteville, as proposed, in compliance with the principle community coverage requirement of Section 73.625(a) at coordinates 35-48-53 N. and 94-01-41 W. with the following specifications:

<u>State & City</u>	<u>DTV Channel</u>	<u>DTV power (kW)</u>	<u>Antenna HAAT (m)</u>	<u>DTV Service Pop. (thous.)</u>
AR Fayetteville	*9	19	509	675

3. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective October 20, 2003, the DTV

¹ Pharis had opposed the proposed allotment change because it believed that destructive interference would be caused to its station K09XE, Winslow, Arkansas. The parties, however, executed a settlement agreement, which proposes, among other things, the withdrawal of Pharis' opposition to the proposed allotment. The settlement agreement has been reviewed and approved by the staff in a separate letter. Thus, we need not consider or discuss further the various pleadings filed herein.

Table of Allotments, Section 73.622(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>
Fayetteville, Arkansas	*9, 15

4. IT IS FURTHER ORDERED, That within 45 days of the effective date of this Order, Arkansas Educational Television Commission shall submit to the Commission a minor change application for a construction permit (FCC Form 340) specifying DTV Channel *9 in lieu of DTV Channel *45 for station KAFT-DT.

5. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

6. For further information concerning this proceeding, contact Pam Blumenthal, Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau